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SENATE BILL 795

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Cisco McSorley

AN ACT

RELATING TO THE MEDICAL USE OF CANNABIS; ENACTING THE LYNN
PIERSON COMPASSIONATE USE ACT; AMENDING PROVISIONS OF THE
CONTROLLED SUBSTANCES ACT; PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. [NEW MATERIAL] SHORT TITLE. -- Sections 1
through 6 of this act may be cited as the "Lynn Pierson
Compassionate Use Act".

Section 2. [NEW MATERIAL] PURPOSE OF ACT. -- The purpose of
the Lynn Pierson Compassionate Use Act is to allow the
beneficial use of medical cannabis in a regulated system for
treating debilitating medical conditions.

Section 3. [NEW MATERIAL] DEFINITIONS. -- As used in the
Lynn Pierson Compassionate Use Act:

A. "adequate supply" means an amount of cannabis

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1 possessed by the qualified patient or collectively possessed
2 between the qualified patient and the qualified patient's
3 primary caregiver that is found by rule of the department after
4 consulting with the advisory board pursuant to Section 6 of the
5 Lynn Pierson Compassionate Use Act to be not more than is
6 reasonably necessary to ensure the uninterrupted availability
7 of cannabis for a period of three months for the purpose of
8 alleviating the symptoms of a qualified patient's debilitating
9 medical condition and is derived solely from an intrastate
10 source;

11 B. "debilitating medical condition" means:

- 12 (1) cancer;
- 13 (2) glaucoma;
- 14 (3) multiple sclerosis;
- 15 (4) damage to the nervous tissue of the spinal
16 cord, with objective neurological indication of intractable
17 spasticity;
- 18 (5) epilepsy;
- 19 (6) positive status for human immunodeficiency
20 virus or acquired immune deficiency syndrome; or
- 21 (7) any other medical condition or disease as
22 approved by the advisory board;

23 C. "department" means the department of health;

24 D. "licensed producer" means any person or
25 association of persons, other than qualified patients and

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1 primary caregivers, within New Mexico that has been determined
2 to be qualified to produce, possess, distribute and dispense
3 cannabis pursuant to the Lynn Pierson Compassionate Use Act and
4 is licensed by the department;

5 E. "practitioner" means a physician licensed in New
6 Mexico to prescribe and administer drugs that are subject to
7 the Controlled Substances Act;

8 F. "primary caregiver" means a resident of New
9 Mexico who is at least eighteen years of age and who has been
10 designated by the patient's practitioner as being necessary to
11 take responsibility for managing the well-being of a qualified
12 patient with respect to the medical use of cannabis pursuant to
13 the provisions of the Lynn Pierson Compassionate Use Act;

14 G. "qualified patient" means a resident of New
15 Mexico who has been diagnosed by a practitioner as having a
16 debilitating medical condition and has received written
17 certification and a registry identification card issued
18 pursuant to the Lynn Pierson Compassionate Use Act; and

19 H. "written certification" means a statement in the
20 qualified patient's medical records or a statement signed by a
21 qualified patient's practitioner that, in the practitioner's
22 professional opinion, the qualified patient has a debilitating
23 medical condition and that the practitioner believes that the
24 potential health benefits of the medical use of cannabis would
25 likely outweigh the health risks for the qualified patient. A

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1 written certification is not valid for more than one year from
2 the date of issuance.

3 Section 4. [NEW MATERIAL] EXEMPTION FROM CRIMINAL AND
4 CIVIL PENALTIES FOR THE MEDICAL USE OF CANNABIS. --

5 A. A qualified patient shall not be subject to
6 arrest, prosecution or penalty in any manner for the possession
7 of or the medical use of cannabis if the quantity of cannabis
8 does not exceed an adequate supply.

9 B. A qualified patient's primary caregiver shall
10 not be subject to arrest, prosecution or penalty in any manner
11 for the possession of cannabis for medical use by the qualified
12 patient if the quantity of cannabis does not exceed an adequate
13 supply.

14 C. Subsection A of this section shall not apply to
15 a qualified patient under the age of eighteen years, unless:

16 (1) the qualified patient's practitioner has
17 explained the potential risks and benefits of the medical use
18 of cannabis to the qualified patient and to a parent, guardian
19 or person having legal custody of the qualified patient; and

20 (2) a parent, guardian or person having legal
21 custody consents in writing to:

22 (a) allow the qualified patient's
23 medical use of cannabis;

24 (b) serve as the qualified patient's
25 primary caregiver; and

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1 (c) control the dosage and the frequency
2 of the medical use of cannabis by the qualified patient.

3 D. A practitioner shall not be subject to arrest or
4 prosecution, penalized in any manner or denied any right or
5 privilege for recommending the medical use of cannabis or
6 providing written certification for the medical use of cannabis
7 to qualified patients.

8 E. A licensed producer shall not be subject to
9 arrest, prosecution or penalty, in any manner, for the
10 intrastate noncommercial production, possession, distribution
11 or dispensing of cannabis pursuant to the Lynn Pierson
12 Compassionate Use Act.

13 F. Any property interest that is possessed, owned
14 or used in connection with the medical use of cannabis, or acts
15 incidental to such use, shall not be harmed, neglected, injured
16 or destroyed while in the possession of state or local law
17 enforcement officials. Any such property interest shall not be
18 forfeited under any state or local law providing for the
19 forfeiture of property except as provided in the Forfeiture
20 Act. Cannabis, paraphernalia or other property seized from a
21 qualified patient or primary caregiver in connection with the
22 claimed medical use of cannabis shall be returned immediately
23 upon the determination by a court or prosecutor that the
24 qualified patient or primary caregiver is entitled to the
25 protections of the provisions of the Lynn Pierson Compassionate

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1 Use Act, as may be evidenced by a failure to actively
2 investigate the case, a decision not to prosecute, the
3 dismissal of charges or acquittal.

4 G. A person shall not be subject to arrest or
5 prosecution for a cannabis-related offense for simply being in
6 the presence of the medical use of cannabis as permitted under
7 the provisions of the Lynn Pierson Compassionate Use Act.

8 Section 5. [NEW MATERIAL] PROHIBITIONS, RESTRICTIONS AND
9 LIMITATIONS ON THE MEDICAL USE OF CANNABIS--CRIMINAL PENALTY
10 FOR FRAUDULENT REPRESENTATION. --

11 A. Participation in a medical use of cannabis
12 program by a qualified patient or primary caregiver does not
13 relieve the qualified patient or primary caregiver from:

14 (1) criminal prosecution or civil penalties
15 for activities not authorized in the Lynn Pierson Compassionate
16 Use Act;

17 (2) liability for damages or criminal
18 prosecution arising out of the operation of a vehicle while
19 under the influence of cannabis; or

20 (3) criminal prosecution or civil penalty for
21 possession or use of cannabis:

22 (a) in a school bus or public vehicle;
23 (b) on school grounds or property;
24 (c) in the workplace of the qualified
25 patient's or primary caregiver's employment; or

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1 (d) at a public park, recreation center,
2 youth center or other public place.

3 B. A person who makes a fraudulent representation
4 to a law enforcement officer about his participation in a
5 medical use of cannabis program to avoid arrest or prosecution
6 for a cannabis-related offense is guilty of a petty misdemeanor
7 and shall be sentenced in accordance with the provisions of
8 Section 31-19-1 NMSA 1978.

9 C. If a licensed producer sells, distributes,
10 dispenses or transfers cannabis to a person not approved by the
11 department pursuant to the Lynn Pierson Compassionate Use Act
12 or obtains or transports cannabis outside New Mexico in
13 violation of federal law, the licensed producer shall be
14 subject to arrest, prosecution and civil or criminal penalties
15 pursuant to state law.

16 Section 6. [NEW MATERIAL] REGISTRY IDENTIFICATION CARDS--
17 RULES--ADVISORY BOARD CREATED.--

18 A. A qualified patient or primary caregiver
19 qualifies for the legal protections pursuant to Section 4 of
20 the Lynn Pierson Compassionate Use Act only if the qualified
21 patient or primary caregiver is in possession of a registry
22 identification card.

23 B. No later than October 1, 2005, after consulting
24 with the advisory board pursuant to Subsection I of this
25 section, the department shall promulgate rules in accordance

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1 with the State Rules Act. The rules shall:

2 (1) govern the manner in which it will
3 consider applications for registry identification cards and for
4 renewing registry identification cards for qualified patients
5 and primary caregivers;

6 (2) define the amount of cannabis that is
7 necessary to constitute an adequate supply;

8 (3) identify criteria for including additional
9 medical conditions or diseases to the list of debilitating
10 medical conditions as provided in Section 3 of the Lynn Pierson
11 Compassionate Use Act;

12 (4) set forth procedures to add medical
13 conditions or diseases to the list of debilitating medical
14 conditions as provided in Section 3 of the Lynn Pierson
15 Compassionate Use Act. Such procedures shall include a
16 petition process and shall allow for public comment and public
17 hearings before the advisory board;

18 (5) identify requirements for licensure of
19 licensed producers and licensed cannabis production facilities
20 and set forth procedures to obtain licenses;

21 (6) develop a distribution system for medical
22 cannabis that provides for:

23 (a) licensed cannabis production
24 facilities within New Mexico housed on secured grounds and
25 operated by licensed producers; and

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1 (b) noncommercial intrastate
2 distribution of medical cannabis to qualified patients or their
3 primary caregivers to take place on the premises of licensed
4 cannabis production facilities; and

5 (7) determine additional duties and
6 responsibilities of the advisory board.

7 C. The department shall issue registry
8 identification cards to a qualified patient and to the primary
9 caregiver for that patient, if any, who submit the following,
10 in accordance with the department's rules:

11 (1) written certification that the person is a
12 qualified patient;

13 (2) the name, address and date of birth of the
14 qualified patient;

15 (3) the name, address and telephone number of
16 the qualified patient's practitioner; and

17 (4) the name, address and date of birth of the
18 qualified patient's primary caregiver, if any.

19 D. The department shall verify the information
20 contained in an application submitted pursuant to Subsection C
21 of this section and shall approve or deny an application within
22 thirty days of receipt. The department may deny an application
23 only if the applicant did not provide the information required
24 pursuant to Subsection C of this section or if the department
25 determines that the information provided is false. A person

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1 whose application has been denied shall not reapply for six
2 months from the date of the denial unless otherwise authorized
3 by the department.

4 E. The department shall issue a registry
5 identification card within five days of approving an
6 application, and a card shall expire one year after the date of
7 issuance. A registry identification card shall contain:

8 (1) the name, address and date of birth of the
9 qualified patient and primary caregiver, if any;

10 (2) the date of issuance and expiration date
11 of the registry identification card; and

12 (3) other information that the department may
13 require by rule.

14 F. A person who possesses a registry identification
15 card shall notify the department of any change in the person's
16 name, address, qualified patient's practitioner, qualified
17 patient's primary caregiver or change in status of the
18 qualified patient's debilitating medical condition within ten
19 days of the change.

20 G. Possession of, or application for, a registry
21 identification card shall not constitute probable cause or give
22 rise to reasonable suspicion for a governmental agency to
23 search the person or property of the person possessing, or
24 applying for, the card.

25 H. The department shall maintain a confidential

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1 file containing the names and addresses of the persons who have
2 either applied for or received a registry identification card.
3 Individual names on the list shall be confidential and not
4 subject to disclosure, except to:

5 (1) authorized employees or agents of the
6 department as necessary to perform the duties of the department
7 pursuant to the provisions of the Lynn Pierson Compassionate
8 Use Act; or

9 (2) authorized employees of state or local law
10 enforcement agencies, but only for the purpose of verifying
11 that a person is lawfully in possession of a registry
12 identification card.

13 I. The secretary of health shall establish an
14 advisory board consisting of eight practitioners, with six of
15 the eight practitioners representing the fields of
16 ophthalmology, medical oncology, psychiatry, infectious
17 disease, family medicine and gynecology. The practitioners
18 shall be nationally board-certified in their area of specialty
19 and knowledgeable about the medical use of cannabis. The
20 members shall be chosen for appointment by the secretary from a
21 list proposed by the New Mexico medical society. A quorum of
22 the advisory board shall consist of three members. The
23 advisory board shall:

24 (1) review and recommend to the department for
25 approval additional debilitating medical conditions for

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1 inclusion as debilitating medical conditions as provided in
2 Section 3 of the Lynn Pierson Compassionate Use Act;

3 (2) accept and review petitions to add medical
4 conditions or diseases to the list of debilitating medical
5 conditions as provided in Section 3 of the Lynn Pierson
6 Compassionate Use Act;

7 (3) convene at least twice per year to conduct
8 public hearings and to evaluate petitions, which shall be
9 maintained as confidential personal health information, to add
10 medical conditions or diseases to the list of debilitating
11 medical conditions as provided in Section 3 of the Lynn Pierson
12 Compassionate Use Act;

13 (4) issue recommendations concerning rules to
14 be promulgated for the issuance of the registry identification
15 cards; and

16 (5) recommend quantities of cannabis that are
17 necessary to constitute an adequate supply for qualified
18 patients and primary caregivers.

19 Section 7. Section 30-31-6 NMSA 1978 (being Laws 1972,
20 Chapter 84, Section 6, as amended) is amended to read:

21 "30-31-6. SCHEDULE I.--The following controlled
22 substances are included in Schedule I:

23 A. any of the following opiates, including their
24 isomers, esters, ethers, salts, and salts of isomers, esters
25 and ethers, unless specifically exempted, whenever the

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1 existence of these isomers, esters, ethers and salts is
2 possible within the specific chemical designation:

- 3 (1) acetyl methadol ;
- 4 (2) allyl prodi ne;
- 5 (3) al phacetyl methadol ;
- 6 (4) al phameprodi ne;
- 7 (5) al phamethadol ;
- 8 (6) benzethi di ne;
- 9 (7) betacetyl methadol ;
- 10 (8) betameprodi ne;
- 11 (9) betamethadol ;
- 12 (10) betaprodi ne;
- 13 (11) cl oni tazene;
- 14 (12) dextromorami de;
- 15 (13) dextrorphan;
- 16 (14) di ampromi de;
- 17 (15) di ethyl thiambutene;
- 18 (16) di menoxadol ;
- 19 (17) di mepheptanol ;
- 20 (18) di methyl thiambutene;
- 21 (19) di oxaphetyl butyrate;
- 22 (20) di pi panone;
- 23 (21) ethyl methyl thiambutene;
- 24 (22) etoni tazene;
- 25 (23) etoxeri di ne;

- 1 (24) furethi di ne;
- 2 (25) hydroxypethi di ne;
- 3 (26) ketobemi done;
- 4 (27) l evomorami de;
- 5 (28) l evophenacyl morphan;
- 6 (29) morpheri di ne;
- 7 (30) noracymethadol ;
- 8 (31) norl evorphanol ;
- 9 (32) normethadone;
- 10 (33) norpi panone;
- 11 (34) phenadoxone;
- 12 (35) phenampromi de;
- 13 (36) phenomorphan;
- 14 (37) phenoperi di ne;
- 15 (38) pi ri trami de;
- 16 (39) proheptazi ne;
- 17 (40) properi di ne;
- 18 (41) racemorami de; and
- 19 (42) tri meperi di ne;

20 B. any of the following opium derivatives, their
21 salts, isomers and salts of isomers, unless specifically
22 exempted, whenever the existence of these salts, isomers and
23 salts of isomers is possible within the specific chemical
24 designation:

- 25 (1) acetorphi ne;

- 1 (2) acetyl di hydrocodei ne;
- 2 (3) benzyl morphi ne;
- 3 (4) codei ne methyl bromi de;
- 4 (5) codei ne- N- oxi de;
- 5 (6) cyprenorphi ne;
- 6 (7) desomorphi ne;
- 7 (8) di hydromorphi ne;
- 8 (9) etorphi ne;
- 9 (10) heroi n;
- 10 (11) hydromorphi nol ;
- 11 (12) methyl desorphi ne;
- 12 (13) methyl di hydromorphi ne;
- 13 (14) morphi ne methyl bromi de;
- 14 (15) morphi ne methyl sul fonate;
- 15 (16) morphi ne- N- oxi de;
- 16 (17) myrophi ne;
- 17 (18) ni cocodei ne;
- 18 (19) ni comorphi ne;
- 19 (20) normorphi ne;
- 20 (21) phol codi ne; and
- 21 (22) thebacon;

22 C. any material, compound, mixture or preparation
23 which contains any quantity of the following hallucinogenic
24 substances, their salts, isomers and salts of isomers, unless
25 specifically exempted, whenever the existence of these salts,

1 isomers, and salts of isomers is possible within the specific
2 chemical designation:

- 3 (1) 3, 4-methylenedioxy amphetamine;
- 4 (2) 5-methoxy-3, 4-methylenedioxy amphetamine;
- 5 (3) 3, 4, 5-trimethoxy amphetamine;
- 6 (4) bufotenine;
- 7 (5) diethyltryptamine;
- 8 (6) dimethyltryptamine;
- 9 (7) 4-methyl-2, 5-dimethoxy amphetamine;
- 10 (8) ibogaine;
- 11 (9) lysergic acid diethylamide;
- 12 (10) marijuana;
- 13 (11) mescaline;
- 14 (12) peyote, except as otherwise provided in
15 the Controlled Substances Act;
- 16 (13) N-ethyl-3-piperidyl benzilate;
- 17 (14) N-methyl-3-piperidyl benzilate;
- 18 (15) psilocybin;
- 19 (16) psilocyn;
- 20 (17) tetrahydrocannabinols; and
- 21 (18) hashish;

22 D. the enumeration of peyote as a controlled
23 substance does not apply to the use of peyote in bona fide
24 religious ceremonies by a bona fide religious organization, and
25 members of the organization so using peyote are exempt from

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1 registration. Any person who manufactures peyote for or
2 distributes peyote to the organization or its members shall
3 comply with the federal Comprehensive Drug Abuse Prevention and
4 Control Act of 1970 and all other requirements of law; and

5 E. the enumeration of marijuana,
6 tetrahydrocannabinols or chemical derivatives of
7 tetrahydrocannabinol as Schedule I controlled substances does
8 not apply to the use of marijuana, tetrahydrocannabinols or
9 chemical derivatives of tetrahydrocannabinol by certified
10 patients pursuant to the Controlled Substances Therapeutic
11 Research Act or to qualified patients pursuant to the
12 provisions of the Lynn Pierson Compassionate Use Act. "

13 Section 8. Section 30-31-7 NMSA 1978 (being Laws 1972,
14 Chapter 84, Section 7, as amended) is amended to read:

15 "30-31-7. SCHEDULE II.--

16 A. The following controlled substances are included
17 in Schedule II:

18 (1) any of the following substances, except
19 those narcotic drugs listed in other schedules, whether
20 produced directly or indirectly by extraction from substances
21 of vegetable origin, or independently by means of chemical
22 synthesis, or by combination of extraction and chemical
23 synthesis:

24 (a) opium and opiate, and any salt,
25 compound, derivative or preparation of opium or opiate;

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1 (b) any salt, compound, isomer,
2 derivative or preparation thereof which is chemically
3 equivalent or identical with any of the substances referred to
4 in Subparagraph (a) of this paragraph, but not including the
5 isoquinoline alkaloids of opium;

6 (c) opium poppy and poppy straw;

7 (d) coca leaves and any salt, compound,
8 derivative or preparation of coca leaves, and any salt,
9 compound, derivative or preparation thereof which is chemically
10 equivalent or identical with any of these substances, but not
11 including decocainized coca leaves or extractions which do not
12 contain cocaine or ecgonine;

13 (e) marijuana, but only for the use by
14 certified patients pursuant to the Controlled Substances
15 Therapeutic Research Act or qualified patients pursuant to the
16 provisions of the Lynn Pierson Compassionate Use Act; and

17 (f) tetrahydrocannabinols or chemical
18 derivatives of tetrahydrocannabinol, but only for the use of
19 certified patients pursuant to the Controlled Substances
20 Therapeutic Research Act or qualified patients pursuant to the
21 provisions of the Lynn Pierson Compassionate Use Act.

22 Marijuana, tetrahydrocannabinols or chemical derivatives
23 of tetrahydrocannabinol shall be considered Schedule II
24 controlled substances only for the purposes enumerated in the
25 Controlled Substances Therapeutic Research Act or the Lynn

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1 Pierson Compassionate Use Act;

2 (2) any of the following opiates, including
3 their isomers, esters, ethers, salts and salts of isomers,
4 whenever the existence of these isomers, esters, ethers and
5 salts is possible within the specific chemical designation:

- 6 (a) alphaprodine;
- 7 (b) anileridine;
- 8 (c) bezitramide;
- 9 (d) dihydrocodeine;
- 10 (e) diphenoxylate;
- 11 (f) fentanyl;
- 12 (g) hydromorphone;
- 13 (h) isomethadone;
- 14 (i) levomethorphan;
- 15 (j) levorphanol;
- 16 (k) meperidine;
- 17 (l) metazocine;
- 18 (m) methadone;
- 19 (n) methadone--intermediate, 4-cyano-2-
20 dimethylamino-4, 4-diphenyl butane;
- 21 (o) moramide--intermediate, 2-methyl-3-
22 morpholino-1, 1-diphenyl-propane-carboxylic acid;
- 23 (p) oxycodone;
- 24 (q) pethidine;
- 25 (r) pethidine--intermediate--A, 4-cyano-

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1 1- methyl - 4- phenyl pi peri di ne;

2 (s) pethi di ne- - i ntermedi ate- - B, ethyl - 4-
3 phenyl - pi peri di ne- 4- carboxyl ate;

4 (t) pethi di ne- - i ntermedi ate- - C, 1-
5 methyl - 4- phenyl pi peri di ne- 4- carboxyl i c aci d;

6 (u) phenazoci ne;

7 (v) pi mi nodi ne;

8 (w) racemethorphan; and

9 (x) racemorphan; and

10 (3) unless listed in another schedule, any
11 material, compound, mixture or preparation which contains any
12 quantity of the following substances having a potential for
13 abuse associated with a stimulant effect on the central nervous
14 system:

15 (a) amphetamine, its salts, optical
16 isomers and salts of its optical isomers;

17 (b) phenmetrazine and its salts;

18 (c) methamphetamine, its salts, isomers
19 and salts of isomers; and

20 (d) methylpheni date.

21 B. Where methadone is prescribed, administered or
22 dispensed by a practitioner of a drug abuse rehabilitation
23 program as defined [~~in Paragraph (3) of Subsection A of Section~~
24 ~~26-2-13 NMSA 1978~~] by the department of health while acting in
25 the course of his professional practice, or otherwise lawfully

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1 obtained or possessed by a person, such person shall not
2 possess such methadone beyond the date stamped or typed on the
3 label of the container of the methadone, nor shall any person
4 possess methadone except in the container in which it was
5 originally administered or dispensed to such person, and such
6 container ~~[must]~~ shall include a label showing the name of the
7 prescribing physician or practitioner, the identity of
8 methadone, the name of the ultimate user, the date when the
9 methadone is to be administered to or used or consumed by the
10 named ultimate user shown on the label and a warning on the
11 label of the methadone container that the ultimate user ~~must~~
12 use, consume or administer to himself the methadone in such
13 container. Any person who violates this subsection is guilty
14 of a felony and shall be punished by imprisonment for not less
15 than one year nor more than five years, or by a fine of up to
16 five thousand dollars (\$5,000), or both. "

17 Section 9. TEMPORARY PROVISION. --

18 A. During the period between July 1, 2005 and
19 thirty days after the effective date of rules promulgated by
20 the department of health pursuant to Subsection B of Section 6
21 of the Lynn Pierson Compassionate Use Act, a person who would
22 be eligible to participate in the medical use of cannabis
23 program as a qualified patient, but for the lack of effective
24 rules concerning registry identification cards, licensed
25 producers, licensed cannabis production facilities,

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1 distribution system and adequate supply, may obtain a written
2 certification from a practitioner and upon presentation of that
3 certification to the department of health, the department shall
4 issue a temporary certification for participation in the
5 program. The department shall maintain a list of all temporary
6 certificates issued pursuant to this section.

7 B. A person possessing a temporary certificate and
8 the person's primary caregiver are not subject to arrest,
9 prosecution, civil or criminal penalty or denial of any right
10 or privilege for possessing cannabis if the amount of cannabis
11 possessed collectively is not more than the amount that is
12 specified on the temporary certificate issued by the department
13 of health.

14 C. A practitioner shall not be subject to arrest or
15 prosecution, penalized in any manner or denied any right or
16 privilege for recommending the medical use of cannabis or
17 providing written certification for the medical use of cannabis
18 to a person holding a temporary certificate pursuant to this
19 section.

20 Section 10. SEVERABILITY.--If any part or application of
21 the Lynn Pierson Compassionate Use Act is held invalid, the
22 remainder or its application to other situations or persons
23 shall not be affected. Failure to promulgate rules or
24 implement any provision of the Lynn Pierson Compassionate Use
25 Act shall not interfere with the remaining protections provided

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1 by that act.

2 Section 11. EFFECTIVE DATE. --The effective date of the
3 provisions of this act is July 1, 2005.

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